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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3143

12 SANDRA DEE PARISH  
5979 Devecchi Ave #23  
13 Citrus Heights, CA 95621

**DEFAULT DECISION  
AND ORDER**

14 Pharmacy Technician No. TCH 60425

[Gov. Code, §11520]

15 Respondent.

16 FINDINGS OF FACT

17 1. On or about July 17, 2008, Complainant Virginia Herold, in her official  
18 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
19 filed Accusation No. 3143 against Sandra Dee Parish (Respondent) before the Board of  
20 Pharmacy.

21 2. On or about January 11, 2005, the Board of Pharmacy (Board) issued  
22 Pharmacy Technician No. TCH 60425 to Respondent.

23 3. On or about July 23, 2008, Scotty Jorgenson, an employee of the  
24 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
25 3143, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
26 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
27 which was and is: 5979 Devecchi Ave #23, Citrus Heights, CA 95621.  
28

1 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

2 4. Service of the Accusation was effective as a matter of law under the  
3 provisions of Government Code section 11505, subdivision (c).

4 5. No documents were returned.

5 6. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the  
7 respondent files a notice of defense, and the notice shall be deemed a specific  
8 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
9 of defense shall constitute a waiver of respondent's right to a hearing, but the  
10 agency in its discretion may nevertheless grant a hearing.

11 7. Respondent failed to file a Notice of Defense within 15 days after service  
12 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
13 Accusation No. 3143.

14 8. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense or to appear at  
16 the hearing, the agency may take action based upon the respondent's express  
17 admissions or upon other evidence and affidavits may be used as evidence without  
18 any notice to respondent.

19 9. Pursuant to its authority under Government Code section 11520, the Board  
20 finds Respondent is in default. The Board will take action without further hearing and, based on  
21 the evidence on file herein, finds that the allegations in Accusation No. 3143 are true.

22 10. The total cost for investigation and enforcement in connection with the  
23 Accusation are \$1,430.00 as of October 30, 2008.

#### 24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Sandra Dee Parish  
26 has subjected her Pharmacy Technician No. TCH 60425 to discipline.

27 2. A copy of the Accusation is attached.

28 3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy  
Technician based upon the following violations alleged in the Accusation:

a. Respondent used alcohol which was dangerous to herself or others

1 in violation of Business and Professions Code Section 4301 subds. (h), (j), and (o), in  
2 that on or about February 8, 2007, respondent was impaired and under the influence of  
3 alcohol when she worked as a pharmacy technician at Long's Drugs Store located at 4785  
4 Granite Drive, Rocklin, California. The circumstances are as follows:

5 1. On or about February 8, 2007, respondent was observed by co-  
6 workers at Longs Drugs in Rocklin visibly shaking and trembling with a smell of alcohol.  
7 She was taken by ambulance to the emergency room at Sutter Roseville Hospital.  
8 Respondent tested positive for alcohol.

9 2. On or about June 27, 2007, respondent was interviewed by Board  
10 Inspector Rick Icknoian. Respondent admitted to drinking alcohol prior to going to work  
11 on February 8, 2007. Respondent admitted that she had a long-term problem with alcohol  
12 consumption.

13 ORDER


14 IT IS SO ORDERED that Pharmacy Technician No. TCH 60425, heretofore  
15 issued to Respondent Sandra Dee Parish, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
17 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
18 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
19 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
20 statute.

21 This Decision shall become effective on January 22, 2009.

22 It is so ORDERED December 23, 2008

23 BOARD OF PHARMACY  
24 DEPARTMENT OF CONSUMER AFFAIRS  
25 STATE OF CALIFORNIA

26 By   
27 KENNETH H. SCHELL  
28 Board President

30584701.wpd

DOJ docket number: SA2008100130

Attachment:

28 Exhibit A: Accusation No. 3143

Exhibit A

Accusation No. 3143

1. EDMUND G. BROWN JR., Attorney General  
of the State of California  
2. ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3. ELENA L. ALMANZO, State Bar No. 131058  
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8. **BEFORE THE**  
9. **BOARD OF PHARMACY**  
10. **DEPARTMENT OF CONSUMER AFFAIRS**  
11. **STATE OF CALIFORNIA**

12. In the Matter of the Accusation Against:

Case No. 3143

13. SANDRA DEE PARISH  
5979 Devecchi Ave. #23  
Citrus Heights, CA 95621

**A C C U S A T I O N**

14. Pharmacy Technician Registration  
No. TCH 60425

15. Respondent.

16.   
17. Complainant alleges:

18. PARTIES

19. 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
20. capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21. 2. On or about January 11, 2005, the Board of Pharmacy issued Pharmacy  
22. Technician Registration No. TCH 60425 to Sandra Dee Parish (Respondent). Said Registration  
23. will expire March 31, 2010.

24. JURISDICTION

25. 3. This Accusation is brought before the Board of Pharmacy (Board),  
26. Department of Consumer Affairs, under the authority of the following laws. All section  
27. references are to the Business and Professions Code unless otherwise indicated.

28. ///

1           4.       Section 4300 of the Code states:

2           "(a) Every license issued may be suspended or revoked.

3           "(b) The board shall discipline the holder of any license issued by the board,  
4 whose default has been entered or whose case has been heard by the board and found guilty, by  
5 any of the following methods:

6           "(1) Suspending judgment.

7           "(2) Placing him or her upon probation.

8           "(3) Suspending his or her right to practice for a period not exceeding one year.

9           "(4) Revoking his or her license.

10          "(5) Taking any other action in relation to disciplining him or her as the board in  
11 its discretion may deem proper.

12          "(c) The board may refuse a license to any applicant guilty of unprofessional  
13 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a  
14 license who is guilty of unprofessional conduct and who has met all other requirements for  
15 licensure. The board may issue the license subject to any terms or conditions not contrary to  
16 public policy, including, but not limited to, the following:

17          "(1) Medical or psychiatric evaluation.

18          "(2) Continuing medical or psychiatric treatment.

19          "(3) Restriction of type or circumstances of practice.

20          "(4) Continuing participation in a board-approved rehabilitation program.

21          "(5) Abstention from the use of alcohol or drugs.

22          "(6) Random fluid testing for alcohol or drugs.

23          "(7) Compliance with laws and regulations governing the practice of pharmacy.

24          "(d) The board may initiate disciplinary proceedings to revoke or suspend any  
25 probationary certificate of licensure for any violation of the terms and conditions of probation.  
26 Upon satisfactory completion of probation, the board shall convert the probationary certificate to  
27 a regular certificate, free of conditions.

28          "(e) The proceedings under this article shall be conducted in accordance with

1 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,  
2 and the board shall have all the powers granted therein. The action shall be final, except that the  
3 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the  
4 Code of Civil Procedure."

5 5. Section 4301 of the Code states in pertinent part:

6 "The board shall take action against any holder of a license who is guilty of  
7 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
8 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
9 following:

10 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,  
11 deceit, or corruption, whether the act is committed in the course of relations as a licensee or  
12 otherwise, and whether the act is a felony or misdemeanor or not.

13 "(h) The administering to oneself, of any controlled substance, or the use of any  
14 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
15 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
16 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
17 the public the practice authorized by the license.

18 "(j) The violation of any of the statutes of this state, or any other state, or of the  
19 United States regulating controlled substances and dangerous drugs.

20 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
21 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
22 applicable federal and state laws and regulations governing pharmacy, including regulations  
23 established by the board or by any other state or federal regulatory agency."

24 6. Section 125.3 of the Code states, in pertinent part, that the Board may  
25 request the administrative law judge to direct a licensee found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

28 ///

7. Section 118 of the Code states:

"(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

"(c) As used in this section, 'board' includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,' 'registration,' and 'permit.'"

CAUSE FOR DISCIPLINE

(Use of Alcohol in a Manner Dangerous to Self or Others)

8. Respondent is subject to disciplinary action under section 4301 subds. (h), (j), and (o), in that on or about February 8, 2007, respondent was impaired and under the influence of alcohol when she worked as a pharmacy technician at Long's Drugs Store located at 4785 Granite Drive, Rocklin, California. The circumstances are as follows:

A. On or about February 8, 2007, respondent was observed by co-workers at Longs Drugs in Rocklin visibly shaking and trembling with a smell of alcohol. She was taken by ambulance to the emergency room at Sutter Roseville Hospital. Respondent tested positive for alcohol.

B. On or about June 27, 2007, respondent was interviewed by Board Inspector Rick Icknoian. Respondent admitted to drinking alcohol prior to going to work on



February 8, 2007. Respondent admitted that she had a long-term problem with alcohol consumption.

PRAYER

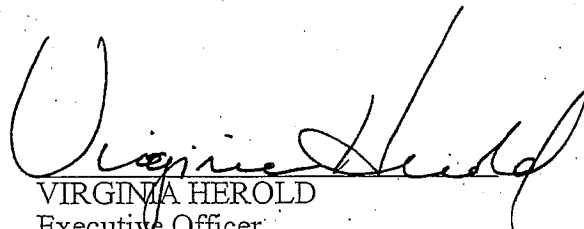
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

A. Revoking or suspending Pharmacy Technician Registration No. TCH 60425, issued to Sandra Dee Parish.

B. Ordering Sandra Dee Parish to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

C. Taking such other and further action as deemed necessary and proper.

DATED: 7/17/08

  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

SA2008100130

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